



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,846	09/11/2003	Walter Hofmuth	AGFA2-0008	5536
23550	7590	04/05/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			SORKIN, DAVID L	
3 E-COMM SQUARE			ART UNIT	
ALBANY, NY 12207			PAPER NUMBER	

1723

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,846

Applicant(s)

HOFMUTH ET AL.

Examiner

David L. Sorkin

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11 September 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “non-return valve”, “sensor for detecting light sensitive material” and “adjustment unit coupled to the sensor” must be shown or the features canceled from the claims. New matter must not be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what elements mentioned in the claims are required elements of the claimed structure. Particularly, it is unclear if the "treatment vessel", "feed line" and "overflow pipe" are required. In claim 1, the preamble "A circulation device for circulating a liquid in a treatment vessel" suggests that the treatment vessel is not part of the claimed circulation device, but is an element with which the device is intended to be used. Conversely, recitations such as "arranged roughly vertically in the treatment vessel" suggest that the vessel is part of the claimed structure. Similarly, in claim 1, the recitation "liquid can flow in from a feed line" is not considered a positive recitation of the feed line as an element of the claimed structure; however, latter limitation such as in claim 8, "a non-return valve is provided in the feed line" is phrased as if the feed line is part of the claimed structure. The claims must be amended to particularly point out what combination of elements applicant regard as applicant's invention. While it is clear the "the circulation device has a feed pipe" (and a sensor and adjustment unit in claim 9) it is unclear what, if anything, else the circulation device is required to have.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Alt (US 974,336). Regarding claim 1, Alt ('336) discloses a device having a feed pipe (C,D) arranged vertically in a treatment vessel (A). The pipe tapers downwardly making it capable of backing up liquid inflow from feed line (N) to generate hydrostatic pressure (see Figs. 1 and 2). Claim 2 does not meaningfully further limit the claimed structure, but instead discusses intended flow rates during an intended operation. Regarding claim 3, the pipe has a small cross section in portion "D" and a much larger (greater than 3 times larger as depicting in Figs. 1 and 2) cross-section at the top of portion "C". Therefore there is necessarily a point in the tapered portion of "C" where the cross-section is $3/2$ to 3 times as great as the cross-section of portion "D". The device would be capable of being used such that this point is the maximum level of liquid be appropriately choosing an inflow rate. Regarding claim 4, the inflow section has a tapering flow cross-section and transforms into an outflow cross-section, whose end forms the outlet opening (see Figs. 1 and 2). Regarding claim 6, an overflow opening (to E) is provided in the inflow section. Regarding claims 7 and 8, while it is unclear if the feed line is part of the claimed structure, the position of feed line (N) is

Art Unit: 1723

depicted in Figs. 1 and 2). Regarding claims 10 and 11, overflow pipe (G) is provided adjacent the feed pipe.

6. Claims 1-5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Byers (US 5,899,560). Regarding claim 1 Byers ('560) discloses a device comprising a feed pipe (70) having a decreasing cross-section providing a capability to back up inflowing liquid from a feed line. Regarding claims 2-4, the pipe tapers from an inflow section to an outlet opening, the ratio of the respective cross-sections being in the range 3:2 to 3:1 as seen in Fig. 3. Regarding claim 5, the outflow section is curved (see Figs. 1 and 3), and while it is unclear if the vessel is part of the claimed structure, liquid flowing from the pipe outlet is parallel to the bottom of vessel 22 as seen in Fig. 1. Claims 7 and 8 merely discuss a feed line which is not part of the claimed structure. Claims 10 and 11 merely discuss aspects of a treatment vessel and overflow pipe which are not part of the claimed structure.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alt (US 974,336) in view of Komatu et al. (US 5,780,211). In the device of Alt ('336) discussed above, there is no sensor and adjustment unit. Komatu ('211) discloses a sensor (8) for detecting light-sensitive material (see col. 44, lines 52-60) and an adjustment unit (9,33)

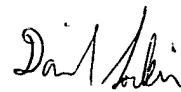
Art Unit: 1723

coupled to the sensor for actuating a feed line. It is considered that it would have been obvious to one of ordinary skill in the art to have provided the device of Alt ('336) with a sensor and adjustment unit as taught by (Komatsu '211) to provide needed liquid in response to liquid consume in processing a given amount of film (see col. 44, line 52-60).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS